

GIBSON GUITAR CORP. )  
 )  
v. ) NO. 3:05-0523  
 ) JUDGE CAMPBELL  
ELDERLY INSTRUMENTS, INC. )

Pending before the Court are Plaintiff's Motion for Partial Summary Judgment (Docket No. 110) and Defendant's Motion for Summary Judgment (Docket No. 149). For the reasons stated in the accompanying Memorandum, Plaintiff's Motion for Partial Summary Judgment is DENIED, and Defendant's Motion for Summary Judgment is GRANTED in part and DENIED in part. Plaintiff's claim for breach of the "exclusivity clause" of the OAI Agreement is dismissed.

IT IS SO ORDERED.

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